IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Tr.P(Crl.).No. 53 of 2007()

CC.536/2004 of C.J.M., KALEPETTA

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PETITIONER:

PANKAJAKSHAN, AGED 51 YEARS,
S/O.RAMAKRISHNA PILLAI, SOBHA NIVAS,
PUZHAMUDI.

BY ADV. SRI.GRASHIOUS KURIAKOSE
SMT.CELINE JOSEPH

RESPONDENTS:

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1. MURALEEDHARAN, AGED 41 YEARS,
S/O.SANKARAN NAIR, VISHNUPRIYA, MURALI NIVAS,
BAVADI, VENGAPPALLY, PUZHAMUDI.

2. SASI, KURUNCHERI HOUSE,
PUZHAMUDI POST, BAVADI, VENGAPPALLY AMSOM.

3. SANKARAN NAIR, MURALI NIVAS,
PUZHAMUDI POST, BAVADI, VENGAPPALY AMSOM.

4. DASAN, S/O.NARAYANAN NAIR,
KALATHIL HOUSE, PUZHAMUDI POST,
BAVADI, VENGAPPALLY AMSOM.

5. THE STATE, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

T.P(Cr).No.53 of 2007

Dated this the 13th day of July, 2007

ORDER

Application for transfer. The petitioner against whom, the learned Chief Judicial Magistrate in some other cases has rendered adverse decisions, apprehends that the present case in which he is a party may also be decided adversely and against him by the learned Chief Judicial Magistrate. He therefore prays for a transfer. He had earlier moved the learned Sessions Judge and I find by Annexure-VI detailed order, the learned Sessions Judge had considered the prayer for transfer threadbare and has come to the conclusion that there is absolutely no justification in the prayer for transfer.

2. The request for transfer is repeated before me. I have heard the learned counsel for the petitioner. I totally concur with the conclusion of the learned Sessions Judge. I find the apprehension of the petitioner and the consequent prayer for transfer to be totally unjustified. The mere fact that a judicial officer - (a fairly senior judicial officer, a Chief Judicial Magistrate in this case) has taken certain decisions adverse to the petitioner in other matters on the basis of the evidence available in such matters is certainly no reason for any litigant to entertain a reasonable apprehension that the next case will also be decided against him. I am not at all persuaded in these circumstances to allow this transfer petition.

3. This transfer petition is, in these circumstances, dismissed.

(R.BASANT, JUDGE)

rtr/-